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TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. 4737]

TRANSFER OF TAXPAID RECTIFIED SPIRITS BY PIPE LINE FROM RECTIFYING PLANTS TO CONTIGUOUS TAXPAID BOTTLING HOUSES

To District Supervisors and Others Concerned:

Pursuant to the authority conferred by Section 605 of the Revenue Act of 1918, (U. S. C., 1934 ed., title 26, sec. 1151), as amended by Section 319 of the Liquor Tax Administration Act, (U. S. C., 1934 ed., Supp. II, title 26, sec. 1151 (2)), the following regulations are prescribed:

Where a rectifying plant and a taxpaid bottling house are operated on contiguous premises by a distiller or proprietor of an internal revenue bonded warehouse, the Commissioner may, in his discretion, authorize the transfer of rectified spirits on which the rectification tax has been paid from the bottling tanks in the rectifying plant to the bottling tanks in the taxpaid bottling house by means of pipe line.

A separate and permanent pipe line shall be installed to connect the rectifying plant with each bottling tank in the taxpaid bottling house. The pipe lines shall be exposed to view throughout their entire length, and all connections, valves, flanges, etc., shall be brazed or welded from the point where they leave the rectifying plant premises, provided, however, that the termination of such pipe lines in the rectifying plant may remain open to permit hose connection with the bottling tanks. There shall be painted on each such pipe line, on that portion extending into the rectifying plant, a number corresponding with the serial number of the tank in the taxpaid bottling house to which it connects.

When taxpaid rectified spirits are authorized to be transferred as above provided, the procedure for taxpaying rectified spirits in the bottling tank in the rectifying plant will be the same as provided by Regulations 15, except that at the time of taxpayment an extra copy of Form 237 will be executed and certified by the Collector. The extra copy of Form 237 will be attached to Form 230 on the bottling tank in the taxpaid bottling house as evidence that the proper tax on the spirits therein has been paid.

Upon completion of transfer of the rectified spirits to the taxpaid bottling house, there shall be entered under Part 7, "Certificate of Cases Filled", on all copies of Form 237, a statement that the spirits described on the reverse side of this form have been transferred by pipe line to Bottling Tank No. _____ in the contiguous taxpaid bottling house operated by _____, and the date of such transfer. This statement shall also include the serial number of Form 230 to which the extra copy of Form 237 is to be attached in the bottling house. Upon completion of bottling the extra copy of Form 237 will remain attached

to the appropriate Form 230 and be transmitted to the District Supervisor in the manner prescribed by T. D. 4561.

Rectifiers who transfer their entire production by pipe line, pursuant to the provisions of this Treasury Decision, will not be required to provide a Finished Products Room as prescribed by Regulations 15.

Regulations 15, as amended, and T. D. 4561 are hereby amended accordingly.

[SEAL]

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, May 14, 1937.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 37-1429; Filed, May 17, 1937; 2:57 p. m.]

DEPARTMENT OF THE INTERIOR.

Division of Grazing.

AMENDMENT TO THE RULES FOR ADMINISTRATION OF GRAZING DISTRICTS¹

MAY 10, 1937.

The Rules for Administration of Grazing Districts approved March 2, 1936, as amended January 28, 1937,² are hereby amended by substituting the following for the portion beginning with the heading "Hearings and Appeals", on page 7:

APPLICATIONS, HEARINGS, AND APPEALS

1. *Consideration of applications; recommendation; notice.*—An application for grazing privileges will be considered in the first instance by the advisory board of the district in which privileges are sought. The advisory board will make its recommendation to the Division of Grazing. If such recommendation is favorable, the Division will so notify the applicant by ordinary mail. If the recommendation is adverse, notice thereof will be served on the applicant either personally by the regional grazer, or such person as may have been by him designated, or by registered letter sent to the address given by the applicant in his application for grazing license. Such notice will name a place and date, not less than ten (10) days thereafter, when protests against the recommendation of the advisory board will be heard. At the conclusion of the first meeting held for the purpose of considering applications, a list of all recommendations and a notice showing the dates and places at which protests will be heard shall be posted at the board's place of meeting.

2. *Hearing of protests; reconsideration by advisory board; notice.*—At the dates and places fixed for hearing protests any party may appear, either in person or by attorney or

¹ Under the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), commonly known as the Taylor Grazing Act.

² 2 F. R. 289.

FEDERAL REGISTER

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OF THE UNITED STATES
1934

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other representative, or may file a written protest with the advisory board, which thereupon will reconsider its previous recommendation in the light of the protest and make a final recommendation to the Division of Grazing. If such recommendation is favorable to the applicant, the Division will so

notify him by ordinary mail. If the recommendation is adverse, notice thereof will be served on the applicant either personally by the regional grazer, or someone designated by the regional grazer for that purpose, or by registered letter sent to the address given by the applicant in his application for grazing license.

At the conclusion of the meeting held for the purpose of considering protests, a list of all recommendations which are different from the first recommendations of the advisory board shall be posted at the board's place of meeting.

3. *Allowance or rejection of application by regional grazer; modification; notice; appeal to examiner.*—The regional grazer is vested with authority, in his discretion and in the light of all facts and circumstances, to issue or refuse to issue a grazing license. If a license is refused or issued in modified form, a notice, including a recital of specific reasons for the action taken, will be served on the applicant either personally by the regional grazer, or by such person as may have been by him designated, or by registered letter sent to the address given by the applicant in his application for grazing license. Such notice will advise the applicant of his privilege to file an appeal to an examiner of the Division of Grazing in the local office of the Division within fifteen (15) days following receipt of notice. Such appeal shall be accompanied by specifications of error setting forth in a clear and concise manner the matters upon which it is based. Any other interested party, including local organizations of stockmen, may file a request for permission to be heard in the appeal and shall serve the appellant with a copy of such request. Such a party shall be known and designated as an intervenor.

4. *Fixing of place and date for hearing before examiner on appeal; notice.*—Upon the filing of the appeal and specifications of error, the regional grazer will fix a place within or near the district and a date at which a hearing will be held by one of such representatives of the Division of Grazing as may have been designated by the Director of Grazing to conduct hearings. Such representative, however, shall be one other than the regional grazer from whose decision the appeal is taken. For the purpose of the hearing, such representative of the Division of Grazing shall be known and designated as an examiner. The date for such hearing shall be ten (10) days or more after the date of filing of the appeal. Notice of the place and date of hearing will be given to the appellant and to all intervenors of record at the time of notice.

5. *Authority of examiner.*—The examiner is vested with general authority to conduct the hearing in an orderly and judicial manner, including authority to subpoena witnesses and to administer oaths, to call and question witnesses, and to make a finding of fact and a decision.

6. *Conduct of hearing before examiner.*—The appellant, the regional grazer, and recognized intervenors may stipulate the issue or issues involved in the case and so far as possible all material facts. Documentary evidence also may be entered by stipulation. The regional grazer, or his representative, will then state the grounds of the decision from which the appeal has been taken, together with such explanation as may be deemed necessary, and will call and examine such witnesses on the issues involved as the examiner may request. Upon the conclusion of this testimony the appellant shall present his case, following which intervenors, in the discretion of the examiner, may present evidence. All oral testimony shall be under oath, and witnesses will be subject to cross-examination by any party. The examiner will himself question any witness whenever it appears necessary. Objections to evidence will be duly noted, but not ruled upon, by the examiner, and such objections will be considered upon an appeal from the decision of the examiner. The examiner will, however, summarily stop examination which is obviously irrelevant and may summarize objections for the record and limit their repetition.

7. *Finding and recommendation of examiner; notice.*—Within ten (10) days following the conclusion of the hearing the examiner will make a finding of fact and a decision,

which shall become a part of the record on appeal, and a copy of which shall be sent by registered mail to the appellant and to all the intervenors.

8. *Notices of appeal; furnishing copies of record.*—Within ten (10) days after the receipt of the decision of the examiner any party desiring to appeal shall file a written notice of his intention to appeal and may request a copy of the transcript of testimony. Such transcript shall be furnished without charge to the appellant, and one copy may also be furnished to the intervenors. The intervenors' copy will be delivered to whosoever is designated by them or, in the event of disagreement, to the intervenor designated by the examiner. Such notice of appeal and request for a copy of the transcript shall be filed in the office of the chief examiner, Division of Grazing, Department of the Interior, Salt Lake City, Utah.

9. *Appeals to the Secretary of the Interior.*—An appeal from the decision of the examiner to the Secretary of the Interior shall be filed, together with any brief desired in support thereof, within 30 days after date of receipt of the transcript of the testimony, in the office of the chief examiner, Division of Grazing, Department of the Interior, Salt Lake City, Utah. The appeal in other respects shall be made in accordance with the Rules of Practice of the Department of the Interior in effect at the time such appeal is taken.

F. R. CARPENTER,
Director of Grazing.

Approved, May 10, 1937.

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 37-1430; Filed, May 18, 1937; 9:28 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

NER-B-101—New York, Supplement (4) Issued May 17, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 101—NEW YORK, SUPPLEMENT (4)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Bulletin No. 101—New York, as amended by Supplements (1), (2), and (3) thereto,¹ is hereby amended as follows:

I

Practice No. 12, under the heading "Fruit Land", which reads as follows:

12. Establishing, on a farm in a commercial vineyard area, an acreage of biennial or perennial legumes, or mixtures of these with grasses, on unproductive vineyard land from which all vines have been removed in 1937. Payment, \$5.00 per acre.

is stricken out and in lieu thereof the following is inserted:

12. Either (1) establishing, on a farm in a commercial vineyard area, an acreage of biennial or perennial legumes, or mixtures of these with grasses, on unproductive vineyard land from which all vines have been removed in 1937 or (2) increasing, on a farm in a commercial vineyard area, the acreage of biennial or perennial legumes, or mixtures of these with grasses, not in vineyards, above the combined acreage of such crops normally grown on such farm, when the increase is accompanied by the removal of all vines from an acreage of unproductive vineyard equal to that on which the increase in the above conserving crops was made. Payment, \$5.00 per acre.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 17th day of May, 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-1438; Filed, May 18, 1937; 12:42 p. m.]

¹ 2 F. R. 309, 577, 764, 941.

WR-B-101—Colorado, Supplement 3

Issued May 17, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—COLORADO, SUPPLEMENT 3

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Colorado, as amended by Supplement 2,¹ is hereby further amended:

Part III, Section 3C, practices P and Q of Supplement 2, WR-B-101—Colorado, are amended to read as follows:

P. *Contour Listing.*—For cultivation on the contour with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 20 inches apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: \$0.25 per acre.

(Attention is called to Part III, Section 1 of WR-B-101—Colorado, as amended by Supplements 1 and 2, whereby payment will not be made with respect to more than one practice carried out on the same acreage except as specifically provided otherwise.)

Q. *Listing or Furrowing.*—For cultivation at approximate right angles to the direction of prevailing winds with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 20 inches apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: \$0.20 per acre.

Part III, Section 3, paragraph F of Supplement 2, WR-B-101—Colorado, is amended to read as follows:

F. *Preliminary Application for Payment.*—By preliminary application made on the prescribed form, any 1937 owner or operator, who has carried out before June 20, 1937, such wind-erosion control practices as are provided for in this section, may receive a preliminary payment amounting to 85 percent of the amount of payment computed in accordance with the provisions of subsection C above. Such preliminary payment shall not be in excess of 85 percent of the additional soil-building allowance provided for in subsection B above. The amount of such preliminary payment will be deducted from the total amount computed as due such 1937 owner or operator under the complete and final application made by him for payment under the provisions of the 1937 Agricultural Conservation Program. In connection with such complete and final application, appropriate deductions shall be made for administrative expenses.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 17th day of May, 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-1435; Filed, May 18, 1937; 12:41 p. m.]

WR-B-101—Kansas, Supplement 3

Issued May 17, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—KANSAS, SUPPLEMENT 3

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—Kansas, as amended by Supplement 2,² is hereby further amended:

Part III, Section 4C, Practices U and V of Supplement 2, WR-B-101—Kansas, are amended to read as follows:

U. *Contour Listing.*—For cultivation on the contour with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 20 inches apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: \$0.25 per acre.

(Attention is called to Part III, Section 1 of WR-B-101—Kansas, as amended by Supplements 1 and 2, whereby payment will not be made with respect to more than one practice carried out on the same acreage except as specifically provided otherwise.)

V. *Listing or Furrowing.*—For cultivation at approximate right angles to the direction of prevailing winds with a regular double

¹ 2 F. R. 448, 765.

² 2 F. R. 460, 766.

mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 20 inches apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: \$0.20 per acre.

Part III, Section 4, paragraph F of Supplement 2, WR-B-101—Kansas, is amended to read as follows:

F. Preliminary Application for Payment.—By preliminary application made on the prescribed form, any 1937 owner or operator, who has carried out before June 20, 1937, such wind-erosion control practices as are provided for in this Section, may receive a preliminary payment amounting to 85 percent of the amount of payment computed in accordance with the provisions of subsection C above. Such preliminary payment shall not be in excess of 85 percent of the additional soil-building allowance provided for in subsection B above. The amount of such preliminary payment will be deducted from the total amount computed as due such 1937 owner or operator under the complete and final application made by him for payment under the provisions of the 1937 Agricultural Conservation Program. In connection with such complete and final application, appropriate deductions shall be made for administrative expenses.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 17th day of May, 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-1436; Filed, May 18, 1937; 12:41 p. m.]

WR-B-101—New Mexico, Supplement 3 Issued May 17, 1937
1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION
BULLETIN NO. 101—NEW MEXICO, SUPPLEMENT 3

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 101—New Mexico, as amended by Supplement 2,¹ is hereby further amended:

Part III, Section 30, Practices Q and R of Supplement 2, WR-B-101—New Mexico, are amended to read as follows:

Q. Contour Listing.—For cultivation on the contour with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 20 inches apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: \$0.25 per acre.

(Attention is called to Part III, Section 1 of WR-B-101—New Mexico, as amended by Supplements 1 and 2, whereby payment will not be made with respect to more than one practice carried out on the same acreage except as specifically provided otherwise.)

R. Listing or Furrowing.—For cultivation at approximate right angles to the direction of prevailing winds with a regular double mold-board lister, basin lister, or chisel; provided, that the furrows shall be not more than 4 feet nor less than 20 inches apart and shall, if listed, be not less than 8 inches in width and 6 inches in depth, or if chiseled, be not less than approximately 4 inches in width and 6 inches in depth: \$0.20 per acre.

Part III, Section 3, paragraph F of Supplement 2, WR-B-101—New Mexico, is amended to read as follows:

F. Preliminary Application for Payment.—By preliminary application made on the prescribed form, any 1937 owner or operator, who has carried out before June 20, 1937, such wind-erosion control practices as are provided for in this Section, may receive a preliminary payment amounting to 85 percent of the amount of payment computed in accordance with the provisions of subsection C above. Such preliminary payment shall not be in excess of 85 percent of the additional soil-building allowance provided for in subsection B above. The amount of such preliminary payment will be deducted from the total amount computed as due such 1937 owner or operator under the complete and final application made by him for payment under the provisions of the 1937 Agricultural Conservation Program. In connection with such complete and final application, appropriate deductions shall be made for administrative expenses.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official

seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 17th day of May, 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-1437; Filed, May 18, 1937; 12:42 p. m.]

Bureau of Animal Industry.

[Amendment 3 to B. A. I. Order 357]

AMENDMENT TO RULES AND REGULATIONS WITH RESPECT TO STOCKYARD OWNERS, MARKET AGENCIES, DEALERS, AND LICENSEES

REGISTRATION BY MARKET DEALERS; APPLICATIONS FOR LICENSES

MAY 17, 1937.

Under authority of the act of Congress approved August 15, 1921 (U. S. C., title 7, secs. 181-229), as amended by the act approved August 14, 1935 (U. S. C., sup. I, title 7, secs. 218-218d), the general rules and regulations of the Secretary of Agriculture with respect to stockyard owners, market agencies, dealers, and licensees (B. A. I. Order 357), issued November 9, 1935, effective November 25, 1935, are hereby amended as hereinafter set forth.

Amendment 2 to B. A. I. Order 357 is hereby revoked and in lieu thereof the following regulation to be designated as regulation 3 is prescribed:

3. (a) Registration (sec. 303, title III) by market agencies and dealers shall be accomplished by properly filling out and delivering to the Bureau of Animal Industry at Washington, D. C., by mail or otherwise, a form which will be furnished on request for the purpose.

(b) Applications for licenses (sec. 502 (b) title V) may be made by persons subject to the licensing provisions of the amendment by properly filling out and delivering to the Chief of the Bureau of Animal Industry at Washington, D. C., by mail or otherwise, a form of application, which will be furnished by said Bureau upon request. The Secretary will issue a license to any applicant furnishing the required information unless he finds after opportunity for a hearing that such applicant is unfit to engage in the activity for which he has made application, or that he is financially unable to fulfill the obligations that he would incur as a licensee. If, after a hearing, it appears that the applicant is financially unable to fulfill his obligations as a licensee, the Secretary may grant applicant a license upon his executing and maintaining a surety bond or satisfactory equivalent thereof, provided such bond or equivalent meets the following standards:

Such bond or equivalent shall be conditioned to secure the performance of the obligations of the licensee incurred as such and may contain such other terms and conditions, not inconsistent with the requirements of these regulations, as may be agreed on between the parties thereto. If a bond is maintained, the surety on such bond shall be a surety company approved by the Treasury Department of the United States for bonds executed to the United States. However, any other form of indemnity which is found by the Chief of the Bureau of Animal Industry at Washington, D. C., to afford substantially equivalent protection may be accepted in lieu of a bond. Whenever, in the judgment of the Chief of the Bureau of Animal Industry at Washington, D. C., the condition of the business of any licensee is such as to render his bond or equivalent inadequate, the same shall, upon notice, be adjusted to meet the requirements of this regulation.

Any surety bond or equivalent shall contain a provision requiring that at least 10 days prior notice in writing be given to the Bureau of Animal Industry at Washington, D. C., by the party terminating such bond or equivalent in order to effect such termination.

Fully executed duplicates of bonds or equivalents shall be filed with the Bureau of Animal Industry at Washington, D. C.

This amendment, which is designated as Amendment 3 to B. A. I. Order 357, shall become and be effective on May 18, 1937.

Done at Washington, D. C., this 17th day of May, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-1434; Filed, May 18, 1937; 12:41 p. m.]

¹ 2 F. R. 495, 767.

DEPARTMENT OF COMMERCE.

Bureau of Air Commerce.

[Amendment No. 8, Aeronautics Bulletin No. 7]

AIR COMMERCE REGULATIONS

(Edition of January 1, 1934)

NAVIGATION OF AIRCRAFT MANUFACTURED IN THE UNITED STATES
FOR DELIVERY TO A FOREIGN PURCHASER

Pursuant to the authority contained in the Air Commerce Act of 1926 (44 Stat. 568) as amended, and as further amended by the Act of June 19, 1934 (44 Stat. 1113), and the Act of June 19, 1934 (44 Stat. 1116), Chapter 4 of Aeronautics Bulletin No. 7 is hereby amended by adding after the period at the end of Section 40 (A) thereof the following paragraph:

An aircraft bearing foreign identification marks or insignia, manufactured in the United States for delivery to a foreign purchaser, may be navigated for demonstration purposes for a limited time within the immediate vicinity of the manufacturer's airport on application made to and approved by the Secretary of Commerce.

Approved to take effect May 18, 1937.

[SEAL]

J. M. JOHNSON,
Acting Secretary of Commerce.

[F. R. Doc. 37-1433; Filed, May 18, 1937; 12:36 p. m.]

FEDERAL HOME LOAN BANK BOARD.

Home Owners' Loan Corporation.

[Manual Amendment—Loan Service Chapter]

MORTGAGED, ETC., PROPERTY PURCHASES BY OFFICERS OR EMPLOYEES OF CORPORATION

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 205 of the Loan Service Chapter of the Manual be amended by the addition of a new subsection to be designated 205 (e), which shall read as follows:

Sec. 205 (e). Officers or employees of the Corporation are not permitted to purchase from home owners properties on which the Corporation holds a mortgage or other security instrument unless and until the transaction has been submitted to the Property Committee in Washington and the approval of the General Manager obtained in accordance with procedure to be prescribed.

Adopted by the Federal Home Loan Bank Board on May 17, 1937.

[SEAL]

R. L. NAGLE, Secretary.

[F. R. Doc. 37-1431; Filed, May 18, 1937; 11:03 a. m.]

INTERSTATE COMMERCE COMMISSION.

INSTRUCTIONS GOVERNING PROCEEDINGS UNDER THE MOTOR
CARRIER ACT, 1935

MAY 10, 1937.

The Commission has adopted the following special instructions governing proceedings under the Motor Carrier Act, 1935.

1. Except as indicated in these special instructions, proceedings under the Motor Carrier Act, 1935, are governed by the applicable or analogous provisions of the Commission's Rules of Practice.

2. When, in the Rules of Practice, reference is made to commissioners or examiners, it will be understood that the reference also includes a special board composed of State representatives (herein called "joint board") to whom matters have been referred pursuant to section 205 of the act for hearing, consideration, and recommendation of an appropriate order thereon (herein called "referred matter"). Those to whom matters are so referred will be called referees.

3. A referee may not grant leave to amend or file any pleadings, or to intervene, in a referred matter, upon application tendered at the hearing, if thereby the issues would be unduly broadened, or if thereby the issues would be so narrowed as to make the referred matter one which should properly be referred to a different referee.

4. Formal complaints must be filed with the Commission at Washington and should be accompanied by a statement of the point at which hearing is desired. They should specifically name the States in which the assailed rates, fares, or charges apply. Addresses of all defendants should be shown in order to insure proper service. Sufficient copies must accompany each formal complaint to enable the Commission to serve one upon each defendant, to supply one to the State board of each State included within the scope of the complaint, and to retain three for its own use.

5. Informal complaints may be communicated to the Commission at Washington or at the nearest district office of the Bureau of Motor Carriers of the Commission.¹

6. Protests against applications under any provisions of the Motor Carrier act, 1935, or any requirement established pursuant thereto, must conform to the requirements of rule XXI of the Rules of Practice. They must contain a concise statement of the interest of the protestant in the proceeding and the grounds upon which the protest is based, and when practicable each ground of protest should be set up in separately numbered paragraphs.

7. In shortened procedure cases sufficient copies of memoranda should be submitted to enable the Commission to retain five copies, in addition to the original, for use by itself and the referees, and to make service upon each party previously designated to receive copies.

8. In referred matters, which are governed so far as applicable by the usual procedure of the Commission as to "proposed report" cases (Rule XIV of the Rules of Practice), the referee will fix the time for the simultaneous filing of briefs; and after the expiration of such time will file with the Commission a report and recommended order containing the statement of the issues and facts and the findings and recommended conclusions, which will be served by the Commission. Exceptions may be taken as provided by Rule XIV (d) 4 of the Rules of Practice. If no exceptions are filed within the period allowed the referee's recommended order shall become the order of the Commission and become effective unless within such period it is stayed or postponed by the Commission. If exceptions are filed within the period allowed the Commission will grant such review or make such orders or hold or authorize such further hearings or proceedings in the premises as may be necessary or proper. In all cases where an order becomes effective within the meaning of this rule a notice to that effect will be served on the parties.

9. A petition for rehearing, reargument, or reconsideration of an order entered in proceedings under the provisions of sections 206, 209, or 211 of the act, whereby applicants, after formal hearing, have been granted a certificate, permit, or license, must be filed within 30 days after service of the final report therein, or after service of notice that the recommended order of the referee has become effective, and the date of mailing of the report or notice to the parties shall be considered as the date of the service.

10. Whenever the Commission orders, without hearing, that a certificate of public convenience and necessity or a permit, under sections 206 or 209 of the act shall be issued and become effective on a designated date unless on the Commission's own motion or for good cause shown it is otherwise ordered, petitions for the staying of the order or for the withholding of the issuance of such certificate or permit, or other objection thereto, must be in writing,

¹ District offices, numbered as follows, are maintained at the following points: 1, Boston, Mass.; 2, New York, N. Y.; 3, Philadelphia, Pa.; 4, Pittsburgh, Pa.; 5, Charlotte, N. C.; 6, Atlanta, Ga.; 7, Nashville, Tenn.; 8, Chicago, Ill.; 9, Minneapolis, Minn.; 10, Kansas City, Mo.; 11, Little Rock, Ark.; 12, Fort Worth, Tex.; 13, Denver, Colo.; 14, Salt Lake City, Utah; 15, Portland, Oreg.; 16, San Francisco, Calif.

which shall contain a statement of the grounds relied upon, and be verified by one having knowledge of the facts therein stated. Such petition or objection shall be filed at the office of the Commission in Washington at least 10 days prior to the date designated in the order for the issuance of such certificate or permit.

11. Applications under the Motor Carrier Act, 1935, for certificates, permits, and licenses, for substitution of prospective purchaser, for transfer of certificates and permits, for determination of status, and for authority to consolidate, merge, acquire control, and to issue or assume obligation with respect to securities (including the reporting of action taken pursuant to authority granted), shall be in the form and contain the information called for on the appropriate form for each purpose as provided in the appendix hereto, and shall be filed and served, and shall otherwise conform to the instructions contained on the pertinent form.

[SEAL]

W. P. BARTEL, Secretary.

APPENDIX

List of forms used in making application under the Motor Carrier Act, 1935, for certificates, permits, and licenses, for substitution of prospective purchaser, for transfer of certificates and permits, for determination of status, and for authority to consolidate, merge, acquire control, and to issue, or assume obligation with respect to, securities (including the reporting of action taken pursuant to authority granted) and related forms:

- B. M. C. A-1. Application for certificate of public convenience and necessity—property, and for permit—property, for use in supplying additional information by carriers who on or before February 12, 1936, filed applications under the "grandfather" clauses of sections 206 and 209 on form B. M. C. A.
- B. M. C. A-2. Application for certificate of public convenience and necessity—passengers, and for permit—passengers, for use in supplying additional information by carriers who on or before February 12, 1936, filed applications under the "grandfather" clauses on form B. M. C. A.
- B. M. C. 3. Designation of agent for service of notices, orders and process. Sections 221 (a) and 221 (c). This form is required to be filed with all applications for authority to operate under the act on Forms B. M. C. A-1, A-2, 4, 5, 8, 9, 10, and 11.
- B. M. C. 4. Application for brokerage license—property. Section 211. B. M. C. 3 required.
- B. M. C. 5. Application for brokerage license—passengers. Section 211. B. M. C. 3 required.
- B. M. C. 6. Application to register by common carriers engaged, within a single State, in the transportation of property in interstate or foreign commerce. Section 206 (a). Order issued covering form is directed to carriers lawfully engaged in operation solely within a single State under authority of a certificate granted by such State, who between places within such State engage in transportation of property in interstate or foreign commerce.
- B. M. C. 7. Application to register by common carriers engaged within a single State in the transportation of passengers in interstate or foreign commerce. Section 206 (a). See reference to the order in connection with B. M. C. 6.
- B. M. C. 8. Application for certificate of public convenience and necessity—property. Sections 206, 207, and 208. Covers application by common carriers of property (1) to institute new operations, (2) to extend an operation for which a separate application has been filed with or certificate issued by the Commission, and (3) for any operations for which application was not filed under the "grandfather" clause on or before February 12, 1936. B. M. C. 15 (notice) required in addition to B. M. C. 3.
- B. M. C. 9. Application for certificate of public convenience and necessity—passengers. Sections 206, 207, and 208. See description of operations outlined under B. M. C. 8. Forms B. M. C. 3 and 15 required.
- B. M. C. 10. Application for permit—property. Section 209. See description of operations under B. M. C. 8. B. M. C. 3 and 15 required.
- B. M. C. 11. Application for permit—passengers. Section 209. See description of operations under B. M. C. 8. B. M. C. 3 and 15 required.
- B. M. C. 12. Application for determination of status under section 203 (b) (8) of carriers engaged in the local interstate transportation of passengers wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of a municipality or municipalities, but not under a common control, management, or arrangement for a continuous carriage to or from a point without such municipality, municipality, municipalities, or zone. B. M. C. 16 (notice) required.
- B. M. C. 15. Notice. To be served, in person or by registered mail, upon each motor carrier and each carrier by rail or water, known to applicant, with whose service the operations covered by Forms B. M. C. 8, 9, 10, and 11 are or will be directly competitive.

- B. M. C. 16. Notice. To be served, in person or by registered mail, upon each motor carrier with whose service the operations covered by B. M. C. 12 are directly competitive.
- B. M. C. 18. Application for determination of status under section 203 (b) (8) of carriers engaged in local interstate transportation of property wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of a municipality or municipalities, but not under a common control, management, or arrangement for a continuous carriage to or from a point without such municipality, municipality, municipalities, or zone. B. M. C. 19 (notice) required.
- B. M. C. 19. Notice. To be served, in person or by registered mail, upon each motor carrier known to applicant, with whose service the operations covered by B. M. C. 18 are directly competitive.
- B. M. C. 20. Application for authority under section 213 to consolidate or merge.
- B. M. C. 21. Application for authority under section 213 to purchase, to lease, or to contract to operate the properties, or any part thereof, of a motor carrier, or for acquisition of control of such carrier through ownership of its stock.
- B. M. C. 22. Application for authority under section 214 to issue securities.
- B. M. C. 23. Application for authority under section 214 to assume obligation or liability as lessor, lessee, guarantor, indorser, surety, or otherwise, in respect of the securities of any other person, natural or artificial.
- B. M. C. 26. Applications under sections 206 and 209, for substitution of prospective purchaser in lieu of applicant.
- B. M. C. 27. Applications under section 212 (b) to transfer certificates of public convenience and necessity or permits.
- B. M. C. 28. Certificate of notification of securities sold, pledged, repurchased, or otherwise disposed of, required by section 214 (paragraph (5), section 20 (a), Interstate Commerce Act), including obligations of the applicant authenticated or issued by trustees or others.
- B. M. C. 29. Certificate of notification of the issue of notes maturing not more than two years after the dates thereof, required by section 214 (paragraph (9), section 20 (a), Interstate Commerce Act).
- B. M. C. 30. Periodical report of the disposition made of securities authorized under section 214 (paragraph (10), section 20 (a), Interstate Commerce Act), or of notes maturing not more than two years after the date thereof, and of the application of the proceeds of such securities, or notes, required by said section.

[F. R. Doc. 37-1432; Filed, May 18, 1937; 11:52 a. m.]

NATIONAL LABOR RELATIONS BOARD.

United States of America—Before the National Labor Relations Board

[Case No. C-110]

IN THE MATTER OF PACIFIC MILLS, LYMAN DIVISION AND UNITED TEXTILE WORKERS OF AMERICA, LOCAL UNION No. 2191

ORDER ADJOURNING HEARING

Please take notice that the hearing previously scheduled in this case for May 14, 1937, at 10 a. m., Room 406, Denrike Bldg., 1010 Vermont Avenue, Washington, D. C., is hereby adjourned to May 25, 1937, at 10 a. m., at the same place.

Dated, Washington, D. C., May 11, 1937.

By direction of the Board:

[SEAL]

BENEDICT WOLF, Secretary.

[F. R. Doc. 37-1443; Filed, May 18, 1937; 1:00 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of May, A. D. 1937.

[File No. 47-9]

IN THE MATTER OF LONE STAR GAS CORPORATION, LONE STAR GAS COMPANY, AND COMMUNITY NATURAL GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

A joint application having been duly filed with this Commission by Lone Star Gas Corporation, a registered holding company, Lone Star Gas Company and Community Natural Gas Company, subsidiaries thereof, pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, for approval of the acquisition, pur-

quant to an agreement with The Chase National Bank of the City of New York and National Tube Company, of certain assets owned by Texas Public Service Company, West Coast Power Company, and Texas Public Service Production Corporation, subsidiaries of Peoples Light and Power Corporation, consisting of the San Angelo-Coleman and San Angelo-Girvin pipe lines and collection and distribution systems, located in the State of Texas, including all leases, gas purchase and sales contracts and other contracts, franchises and appurtenances belonging thereto, all of which The Chase National Bank of the City of New York and National Tube Company are entitled to receive under the Plan of Reorganization of Peoples Light and Power Corporation, the consideration for such acquisition being \$1,762,000 plus interest from March 31, 1936 at the rate of 4% per annum subject to certain adjustments provided for in the aforesaid agreement;

It is ordered that a hearing on such matter be held on June 1, 1937, at 2 o'clock in the afternoon of that day in Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 28, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1441; Filed, May 18, 1937; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, A. D., 1937.

[File No. 46-48]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by The Middle West Corporation, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of the following securities:

\$540,600 principal amount of First Mortgage 5% Bonds, Series A, dated January 1, 1937, due January 1, 1957, with Special Bond Coupons, aggregating \$10,812 and payable without interest on or before January 1, 1940, attached thereto,

3,604 shares of 6% Cumulative Preferred Stock, having a par value of \$50 per share,

\$32,530 1/2 shares of Common Stock, having the par value of \$1 per share, and

\$38,202.40 principal amount of Cash Script,

to be issued by Arkansas-Missouri Power Corporation, a registered holding company, as successor to Arkansas-

Missouri Power Company, pursuant to a Plan of Reorganization approved and confirmed by the United States District Court for the Northern District of Illinois, Eastern Division, in proceedings for the reorganization of Arkansas-Missouri Power Company under Section 77-B of the Bankruptcy Act, as amended; and said Arkansas-Missouri Power Corporation having filed a declaration with this Commission, pursuant to Section 7 of the Act, regarding the issue and disposition of the aforesaid securities;

It is ordered that a hearing on such matter be held on June 2, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 29, 1937.

It is further ordered that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1440; Filed, May 18, 1937; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of May, 1937.

[File No. 43-50]

IN THE MATTER OF MISSISSIPPI PUBLIC SERVICE COMPANY
AND

[File No. 43-51]

IN THE MATTER OF IOWA WATER SERVICE COMPANY
AND

[File No. 43-52]

IN THE MATTER OF TEXAS PUBLIC SERVICE COMPANY
AND

[File No. 43-53]

IN THE MATTER OF WEST COAST POWER COMPANY
AND

[File No. 43-54]

KANSAS PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

Peoples Light and Power Company, a registered holding company, hereinafter called the "New Company", and certain Voting Trustees (also a registered holding company) heretofore filed with this Commission declarations and applications pursuant to Sections 7 and 10 (a) (1) of the Public Utility Holding Company Act of 1935 with respect to issues and acquisitions pursuant to a Plan of Reorganization, dated June 1, 1936, of Peoples Light and Power Corpo-

ration, hereinafter called the "Old Company" (File Nos. 43-45, 46-47, 43-46 and 46-46). These declarations and applications have been set down and noticed for joint hearing on June 1, 1937.

Mississippi Public Service Company, Iowa Water Service Company, Texas Public Service Company, West Coast Power Company and Kansas Public Service Company, all being subsidiaries of the Old Company, have now filed with this Commission, pursuant to Section 7 of said Act, declarations with respect to the issue and sale, in connection with said Plan of Reorganization, of securities of said subsidiaries as follows:

Mississippi Public Service Company

\$500,000 principal amount of First Mortgage Bonds, Series A, due 1961, to be issued in replacement of a like principal amount of demand 5½% Notes

850 shares of common capital stock without par value to be sold for \$85,000 cash to the Old Company or its trustees

Iowa Water Service Company

\$590,000 principal amount of First Mortgage Bonds, Series A, 5%, due 1961, whereof \$571,000 principal amount are to be issued in replacement of a like principal amount of First Mortgage 5½% Gold Bonds, Series of 1941, and the remaining \$19,000 principal amount are to be sold to the Old Company or its trustees for cash at the principal amount thereof

2,000 shares of common capital stock without par value to be issued in replacement of 1,056 shares of common capital stock of the par value of \$100 per share now outstanding

Texas Public Service Company

\$3,907,500 principal amount of First Mortgage Bonds, 5%, Series due 1961, bearing interest from January 1, 1936, to be issued, together with a cash adjustment of \$4,785.01, in replacement of \$3,568,000 principal amount of First Mortgage 5½% Gold Bonds, Series of 1941, with \$539,660.01 accrued interest to December 31, 1936

12,500 shares of common capital stock without par value, with a stated value of \$1,250,000, to replace 37,000 shares of common capital stock without par value now outstanding, with a stated book value of \$1,326,960.05, resulting in a reduction in capital of \$76,960.05 to be credited to capital surplus

West Coast Power Company

\$1,300,000 First Mortgage Bonds, Series A, 4½%, due 1961, to be issued in replacement of a like principal amount of First Mortgage 5½% Gold Bonds, Series of 1941 (\$1,456,500 principal amount of said First Mortgage 5½% Gold Bonds, Series of 1941, are to be cancelled and surrendered to the West Coast Power Company as a contribution to capital)

11,500 shares of common capital stock without par value, with a stated value of \$1,150,000, to be issued in replacement of 47,300 shares of common capital stock of the par value of \$100 per share resulting in a reduction of \$3,580,000 in the capital stock of said West Coast Power Company

Kansas Public Service Company

\$350,000 principal amount of First Mortgage Bonds, Series A, 5% due 1961, whereof \$348,000 principal amount are to be issued in replacement of a like principal amount of First Mortgage 5½% Gold Bonds, Series of 1941, and \$2,000 principal amount are to be sold to the Old Company or its trustees for cash at the principal amount thereof

2,000 shares of common capital stock without par value to be issued in replacement of 750 shares of common capital stock without par value now outstanding following a reduction in the capital represented by said 750 shares from \$234,366 to \$200,000 so that the amount of capital represented by said 2,000 shares, to be issued in replacement as aforesaid, will be \$200,000

It appearing to the Commission that these related matters should be heard and considered together:

It is ordered that a hearing on the before mentioned declarations filed by Mississippi Public Service Company, Iowa Water Service Company, Texas Public Service Company, West Coast Power Company and Kansas Public Service Company, and any amendments thereto, be held, jointly with the hearing on the before mentioned declarations and applications filed by the New Company and before mentioned Voting Trustees, and any amendments thereto, on June 1, 1937, at 10:00 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.; and

Notice of such hearing is hereby given to said parties and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 26, 1937.

It is further ordered that Richard Townsend, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in these matters, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1439; Filed, May 18, 1937; 12:45 p. m.]

United States of America—Before Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of May, A. D., 1937.

[File No. 2-2763]

IN THE MATTER OF CONDOR PICTURES, INC.

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of registrant, Condor Pictures, Inc., of Wilmington, Delaware, filed December 30, 1936, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued, and the Commission being now fully advised in the premises, and the registrant having consented to the entry of a stop order,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Condor Pictures, Inc., of Wilmington, Delaware, be and the same hereby is suspended.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1442; Filed, May 18, 1937; 12:45 p. m.]